

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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TAMMY KING,

Plaintiff,

ORDER

v.

17-cv-178-wmc

NANCY A. BERRYHILL,  
Acting Commissioner of Social Security,

Defendant.

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On August 14, 2017, the court issued an order remanding this case to the commissioner for further proceedings under sentence four of 42 U.S.C. § 405(g) pursuant to joint stipulation of the parties. Judgment was also entered on August 14, 2017. Now before the court is plaintiff's motion for an award of attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, in the amount of \$5,338.87 and expenses in the amount of \$17.67. (Dkt. #14.) While the Commissioner does not object to the requested fees, she does object to the requested costs on the basis that the EAJA does not permit this award. (Dkt. #17.) Plaintiff, however, has indicated that she will accept the requested fees without costs.

ORDER

IT IS ORDERED that plaintiff's motion for an award of attorney fees and expenses under the Equal Access to Justice Act is GRANTED. Plaintiff is awarded fees in the amount of \$5,338.87 and costs in the amount of \$0. These fees are awarded to plaintiff

and not plaintiff's attorney and can be offset to satisfy pre-existing debts that the litigant owes the United States under *Astrue v. Ratliff*, 130 S.Ct. 2521, 177 L. Ed. 2d 91 (2010).

If counsel for the parties verify plaintiff owes no pre-existing debt subject to offset, the defendant shall direct that the award be made payable to plaintiff's attorney pursuant to the EAJA assignment duly signed by plaintiff and counsel.

If plaintiff owes a pre-existing debt subject to offset in an amount less than the EAJA award, the Social Security Administration will instruct the U.S. Department of Treasury that any check for the remainder after offset will be made payable to plaintiff and mailed to the business address of plaintiff's attorney.

Entered this 28th day of November, 2017.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge